

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:15-CV-00306-GCM**

|                               |   |                     |
|-------------------------------|---|---------------------|
| LEE S. JOHNSON,               | ) |                     |
|                               | ) |                     |
| <b>Plaintiffs,</b>            | ) |                     |
|                               | ) |                     |
| <b>v.</b>                     | ) | <b><u>ORDER</u></b> |
|                               | ) |                     |
| EQUIFAX INFORMATION SERVICES, | ) |                     |
| INC.,                         | ) |                     |
|                               | ) |                     |
| <b>Defendants.</b>            | ) |                     |
| _____                         | ) |                     |

**THIS MATTER** is before the Court on its own Motion. Plaintiff filed this action on July 16, 2015. Defendant failed to timely file an Answer and Plaintiff moved for entry of default. (Doc. No. 4) Upon Defendant's showing of good cause to excuse the failure to timely file, the Court denied Plaintiff's Motion on September 10, 2015. (Doc. No. 9) When no further action was taken, the Court ordered a status report on November 18, 2015. (Doc. No. 10) Plaintiff responded with a Motion for Default Judgment and Motion to Strike Defendant's Answer. (Doc. No. 11) Defendant filed a Memorandum in Opposition detailing the difficulty it had experienced in conferring with Plaintiff as required by Rule 26(f). (Doc. No. 12)

On January 19, 2016, the Court issued an Order requiring Plaintiff to confer with Defendant and engage in a good faith effort to agree on a discovery plan within 14 days. (Doc. No. 13) On February 2, 2016, Plaintiff submitted a Proposed Discovery Plan. (Doc. No. 14) He did not indicate to the Court that he had made a good faith effort to confer with Defendant. He also did not explain to the Court why he has been unable to agree on a discovery plan with Defendant, despite the fact that his discovery plan looks remarkably similar to the one submitted by Defendant

as an attachment to its January 7 Memorandum. (Doc. No. 12-1) For these reasons, the Court finds that Plaintiff has failed to comply with its most recent Order and with Rule 26(f).

Accordingly, the Court will enter a pretrial order consistent with the Proposed Discovery Plan attached to Defendant's January 7 Memorandum. Because the date for preliminary disclosures suggested in Defendant's proposed order has passed, the Court will order that they be completed by March 21, 2016. In all other respects, the Court's order will maintain the schedule proposed by Defendant.

**SO ORDERED.**

Signed: February 16, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

